



Town Of Amenia

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PLANNING BOARD WORKSHOP THURSDAY, August 25, 2011

PRESENT: Bill Flood
Peter Clair
Norm Fontaine
Larry Moore
Michael Hayes, Attorney

ABSENT: Tony Robustelli
Nina Peek
Jim Walsh

MOTION TO OPEN THE PLANNING BOARD MEETING was made by Peter Clair, seconded by Larry Moore.

ALL IN FAVOR - MOTION CARRIED.

Leadsville Realty

Lot Line Adjustment

Leedsville Road Amenia, NY

Bill Flood provided a brief summary of the Proposed Action and introduced Brian Houston, who will be representing Leedsville Realty. Brian Houston states that Leedsville currently has three parcels of land south of Randalls Road: one parcel is vacant and approximately three acres in size; the second parcel is approximately two acres and has a two-story house on it; while the third parcel is approximately one acre and has a house located on it. The three parcels are located within the Rural Residential (RR) Zoning District, which has a minimum lot size of five acres. The Applicant would like to merge the vacant three acre parcel and the two-acre parcel to create a parcel that is approximately 5.4 acres, which would then be in conformance with the zoning code. Two small portions of the newly created parcel would be conveyed to the third lot, increasing the overall parcel size from 1.09 acres to 1.47 acres.

Peter Clair asked if there were any streams on the property. Brian Houston replied that there were not, and reiterated that this was a lot line adjustment, providing each home with additional acreage. Michael Hayes asked if this would create a conforming lot. Brian Houston replied yes. Bill Flood asked if the parcel can be built on, or if a guest house could be built on the conforming lot. Brian Houston replied that he did not think so. Michael Hayes stated that he was unsure of what the zoning code permitted in the RR, but that by bringing the one lot into conformance, whatever as of right uses permitted in the RR district on a conforming lot would be permitted on the one parcel. Michael Hayes also pointed out to the Planning Board that the proposed smaller lot would still not be in compliance with road frontage, minimum acreage and setbacks. Any additions to the existing house on the non-conforming lot would possibly require an area variance or other obligations, but these requirements do not apply in relation to the proposed lot line adjustment. The approval of the lot line adjustment does not entail any additional approvals in relation to the future use of the property. Bill Flood also stated that the property is located within the Historic Preservation Overlay District, so any modifications to either property would be subject to additional requirements.

MOTION TO SET ESCROW AT \$500.00 by Peter Clair, seconded by Larry Moore.
ALL IN FAVOR – MOTION CARRIED.

MOTION TO SCHEDULE PUBLIC HEARING for October 6th by Peter Clair, seconded by Larry Moore.
ALL IN FAVOR – MOTION CARRIED.

Kain Farm

Lot Line Adjustment

**Route 22
Amenia, NY**

Roger Keaton from Chazen Companies introduced himself to the Planning Board representing the Applicant. Mr. Keaton provided an overview of the application. A lot line adjustment would result in a conveyance of 0.28 acres to Northern Dutchess Properties. The lots would remain in conformance with the zoning district. The purpose of the lot line adjustment is to provide additional access to the property in the form of an old farm path.

MOTION TO SET ESCROW AT \$500.00 by Peter Clair, seconded by Larry Moore.
ALL IN FAVOR – MOTION CARRIED.

MOTION TO SCHEDULE PUBLIC HEARING for October 6th by Peter Clair, seconded by Larry Moore.
ALL IN FAVOR – MOTION CARRIED.

Proposed Amendment

Subdivision Regulations

Discussion

Michael Hayes discussed the proposed amendments to the Subdivision Regulations. The Planning Board has previously discussed providing recommendations to the Town Board to amend the Subdivision Regulations. Mr. Hayes prepared draft language relating to the expiration of preliminary subdivision approval after a maximum of two years from the date of approval and expiration of any conditional final approval upon an automatic basis once an Applicant has stopped filing for extensions. There is currently a two year cap on the preliminary subdivision approval. New York State Law was revised last year to eliminate the cap and keep approvals open ended at the Planning Board's discretion. Current Town Law requires the Planning Board to track and take action to revoke conditional subdivision approvals that have expired. For future applications where an Applicant does not request an extension, the conditional subdivision approval would automatically expire. This will permit the Planning Board to not be required to track all applications that have not been extended. Peter Clair asked if previous approvals would be subject to the revised law, or if they would be grandfathered in. Michael Hayes stated that the revised law would apply to new applications, but that the Town only has one previous approval that the new law would apply to.

Bill Flood responded to a question from the audience and provided a clarification of the purpose of the proposed amendment.

MOTION TO SET SUBDIVISION REGULATIONS AS REVISED BY THE TOWN ATTORNEY by Larry Moore, seconded by Peter Clair.
ALL IN FAVOR – MOTION CARRIED.

Proposed Amendment

Scenic Protection Overlay District

Discussion

Michael Hayes provided an overview of the status of the proposed amendment to the Scenic Protection Overlay District. The Town Board has referred the proposed zoning amendment to the Planning Board for comment. No changes have been made to the amended Scenic Protection Overlay District from what George Janes previously presented to the Planning Board.

MOTION TO AUTHORIZE THE TOWN ATTORNEY TO SEND A FORMAL RECOMMENDATION OF APPROVAL FROM THE PLANNING BOARD by Norm Fontaine, seconded by Larry Moore.
ALL IN FAVOR – MOTION CARRIED.

Michael Hayes discussed the process for next steps the Town Board is required to make in relation to approval of the Scenic Protection Overlay District amendment.

Other Matters:

The Planning Board discussed the state of the Syms proposal and previously requested information.

Bill Flood discussed that a potential applicant has approached Nancy Brusie for the required steps in relation to a desired flea market use. Michael Hayes stated that he needs to review the Zoning Law, but that if the proposed use is not identified as expressly permitted or prohibited, a Special Use Permit may be required. After review, Michael Hayes stated that if Nancy Brusie does not believe the proposed use fits into uses permitted or prohibited by the Zoning Law, that the Town Board would be the approving body for a Special Use Permit. Additional discussion ensued of potential outcomes and conditions that could be required.

Bill Flood also indicated he has received correspondence in relation to a proposed gravel mine in Town but that the zoning issue is Town Board related.

The Planning Board also briefly discussed a previously approved special use permit that has expired. The Applicant plans on attending a future Planning Board meeting to discuss the issue. Michael Hayes provided a brief overview of potential next steps.

MOTION TO CLOSE MEETING by Peter Clair, seconded by Larry Moore.

ALL IN FAVOR – MOTION CARRIED.

Respectfully submitted,
Sunny McCool
Planning Board Secretary

Approved